

February 28, 2006

Department of Interior Mineral Management Services  
ATTN: Rules Processing Team  
381 Elden Street  
MS-4024  
Herndon, Virginia 20170-4817

RE: Alternate Energy-Related Uses on the Outer Continental Shelf-RIN "1010-AD30"

To Whom It May Concern:

1. I do not interpret the Energy Policy Act of 2005 (EPA2005) to amend, rescind, or alter the applicability of the Administrative Procedures Act, the National Environmental Policy Act (NEPA), the Endangered Species Act, the Fish & Wildlife Coordination Act, the Clean Water Act, Magnuson-Stevens Sustainable Fisheries Conservation Act and the Coastal Zone Management Act and all other federal, state, county, city, and local laws, regulations, and ordinances.

2. I do not believe MMS has the authority to expedite any individual project ahead of the promulgation of the rules, regulations, and guidelines. Two specific projects that come to mind are the Cape Wind and Long Island offshore wind proposals which are mentioned on your web site. In my discussions with MMS I have been told that MMS is basing this decision to expedite these proposals in accordance with the Savings Clause in Section 388 of the EPA2005. I do not interpret this clause in the same way and urge MMS to withhold doing any formal reviews until after this current exercise is completed.

3. MMS should place Essential Fish Habitat (EFH) for all federally managed species of fish and candidate sites for designation as Marine Protected Areas off limits as alternative energy access area.

Thank you for the opportunity to comment.

Sincerely,

Michael J. D'Amico  
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Massapequa, New York 11758